IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :16844 of 2007

DATED:9.8.2007.

Between:

The Govt of A.P rep by its Secretary, Revenue (Services-II) Department, Secretariat Buildings, Hyderabad & others.

.... PETITIONERs

AND

T.Jayarao

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:16844 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioners have filed the present writ petition seeking to call for the records pertaining to the order in O.A.No:4915 of 2006, dated 6.3.2007 of the tribunal and set aside the same.

The respondent is the applicant. He has filed the O.A. seeking to declare the action of the respondents in not paying the interest on the delayed payment of pension on D.C.R.G as directed by this Court in W.P.No:23598 of 2003, dated 18.1.2005 and Review W.P.M.P.No:23735 of 2005 in W.P.No:23598 of 2003, dated 6.9.2005, in not granting the special grade scale in the post of Tahsildar after completion of 8 years service and revise the pension, in not releasing the balance D.C.R.G out of the withheld amount of Rs.10,000/- after deducting Rs.3,773/- and in not granting the commutation amount to the applicant along with the pension as illegal and arbitrary and consequently, to direct the respondents to release the above benefits to the applicant as per the representation dated 24.3.2006.

The tribunal having observed that though respondents-1

and 2 are parties to W.P.23598 of 2003, they have not complied with the said directions as issued therein within a reasonable time and they have taken more than one and half years time to comply with the directions and the applicant cannot be held responsible for the delay caused, directed the respondents to pay the interest on the delayed payment of D.C.R.G as directed by this Court and grant the commutation amount to the applicant along with pension and to release the amount of Rs.10,000/-, which was withheld towards D.C.R.G by deducting the amount of increment which was drawn by the applicant from 1.7.1995 till 30.11.1996 which comes to Rs.3,773/-. Having aggrieved by the same, the respondents have preferred the present writ petition.

Heard the learned G.P. for Services-II. Perused the material available on record as well as the order impugned.

At this stage, it is relevant to note the facts leading to filing of the O.A, which are as under:

The applicant retired from service on 30.11.1996 while working as an Administrative Officer at S.C. Corporation, Guntur. When the 1st respondent imposed the punishment of reduction to the lower stage in the time scale of Tahsildar vide G.O.Ms.No:539, dated 4.7.1996 against the applicant, he approached the tribunal by filing O.A.4460 of 1996 and the tribunal disposed of the same with a direction to issue revised orders modifying the punishment of reduction to the lower stage in the time scale of Tahsildar to that of stoppage of two annual grade increments with cumulative effect originally ordered by the Government in G.O.Ms.No:290, Revenue (Service II) Department

dated 13.3.1992. Thus, the impugned G.O.Ms.No:539 Revenue (Service II) Department dated 4.7.1997 is set aside.

Having not satisfied with the said order passed in O.A.4460 of 1996, the applicant has filed W.P.No:23598 of 2003 and the said W.P. was disposed of by this Court by order dated 18.1.2005, which reads as under:

> "The D.C.R.G shall be paid to the petitioner within a period of Six Weeks from the date of receipt of a copy of this order together with interest at 12% p.a. from 1.12.1997 till the date of payment and the pension of the petitioner shall be fixed and arrears of pension shall be paid within a period of six weeks from the date of receipt of a copy of this order together with interest at 12% p.a. from the date of the order of the tribunal till the date of payment."

At this stage, it is relevant to note that the respondents are parties in the above W.P.23598 of 2003. But, they have not complied with the said directions as issued therein within a reasonable time and they have taken more than one and half years time to comply with the directions and therefore, the applicant cannot be held responsible for the delay caused as rightly observed by the tribunal.

However, in the present facts and circumstances of the case coupled with the order of this Court in W.P.No:23598 of 2003, dated 18.1.2005 as well as the review order of this Court in W.P.M.P.No:26735 of 2005, dated 6.9.2005 and considering the age of the applicant, being 70 years old, We feel it appropriate to

direct the respondents to pay all the retirement benefits due to the applicant. It is made clear that this order shall not be a precedent to any of the incidental cases in future. Accordingly, the order of the tribunal is modified.

Subject to the above direction, this writ petition is disposed of.

(JUSTICE T.MEENAKUMARI)

9th August, 2007

(JUSTICE G.CHANDRAIAH)

gurc

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:16844 of 2007
(Order delivered by the Honourable Smt.Justice T.Meena

Kumari)

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9th August, 2007.